

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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YORKSHIRE TOWERS COMPANY, L.P. and  
YORKSHIRE TOWERS TENANTS ASSOCIATION,

Plaintiffs,

-against-

THE FEDERAL TRANSIT ADMINISTRATION,  
THE METROPOLITAN TRANSPORTATION  
AUTHORITY and THE METROPOLITAN  
TRANSPORTATION AUTHORITY CAPITAL  
CONSTRUCTION COMPANY,

Defendants.

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YORKSHIRE TOWERS COMPANY, L.P. and  
YORKSHIRE TOWERS TENANTS ASSOCIATION,

Plaintiffs,

-against-

UNITED STATES DEPARTMENT OF  
TRANSPORTATION, RAY LAHOOD, in his capacity as  
Secretary of the United States Department of  
Transportation, THE FEDERAL TRANSIT  
ADMINISTRATION, PETER M. ROGOFF, in his capacity  
as administrator of the Federal Transit Administration, THE  
METROPOLITAN TRANSPORTATION AUTHORITY,  
JAY H. WALDER, in his capacity as Chairman of the  
Metropolitan Transportation Authority, THE NEW YORK  
CITY TRANSIT AUTHORITY, THOMAS F.  
PRENDERGAST, JR., in his capacity as President of the  
New York City Transit Authority and THE  
METROPOLITAN TRANSPORTATION AUTHORITY  
CAPITAL CONSTRUCTION COMPANY, MICHAEL  
HORODNICEANU, in his capacity as President of the  
Metropolitan Transportation Authority Capital Construction  
Company,

Defendants.

**Case No. 10-cv-8973 (TPG)**

**PLAINTIFFS' NOTICE OF  
MOTION FOR SECOND PRE-  
TRIAL CONFERENCE UNDER  
FED. R. CIV. P. 16 AND  
RELATED RELIEF**

**Case No. 11-cv-1058 (TPG)**

**RELATED CASE**

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PLEASE TAKE NOTICE that upon the accompanying Memorandum in Support, the Pleadings, the First Pre-trial Conference and all prior proceedings in the above-captioned related cases, Plaintiffs Yorkshire Towers Company, L.P. and Yorkshire Towers Tenants Association, will move this Court before the Honorable Thomas P. Griesa at the United States Courthouse, 500 Pearl Street, Courtroom 26B, New York, New York, on a date and time to be determined by the Court, for an order pursuant to Federal Rules of Civil Procedure, Rule 16:

- (1) Scheduling the Second Pre-Trial Conference to discuss, among other matters, the affirmative relief Plaintiffs intend to seek by motion;
- (2) Extending the Plaintiffs' time to respond to the motions to dismiss by the defendants federal and state officials and agencies (collectively the "Government Defendants") (First Case, ECF Nos. 24-25, Related Case, ECF Nos. 23-25) pending the production of:
  - (a) Each and every document that the Government Defendants relied on, or to which they referred, between Settlement Conference II on July 14 and III on August 24 to determine that the MTA's Residential Midblock Alternative remains the "preferable" alternative in comparison to the Reduced 5 design presented by Yorkshire Towers, or have the issue of whether the Government Defendants have fully and adequately studied, analyzed and balanced the environmental

benefits and adverse impacts of the Residential Midblock Alternative in comparison to the Reduced 5 design, resolved against them;

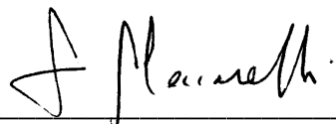
(b) Each and every document that the Government Defendants relied on, or to which they referred, between Settlement Conference II on July 14 and III on August 24, to determine that the construction schedule would be impacted beyond the FTA's publicly announced start date of February 2018, and the MTA's earlier stated goal of December 2016, or have this issue considered resolved against them; and

(3) Granting such other, further and different relief as is just and proper.

Dated: September 9, 2011  
New York, New York

Respectfully Submitted,

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